

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 13-0202
)
RACHEL KAFKA,)
)
Petitioner,) CONSENT DECISION AND
) ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), by a request for hearing filed by the petitioner for the purpose of showing why petitioner's application for an AWA license should not have been denied by the Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), pursuant to the Regulations issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The petitioner admits that the Secretary has jurisdiction in this matter, waives oral hearing and further procedure, has elected to withdraw her request for hearing, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision. The respondent agrees to the entry of this decision.

Findings of Fact

1. Petitioner Rachel Kafka is an individual whose address is 901 Valley Road, Watchung, New Jersey 07069. On September 13, 2012, petitioner submitted an application to APHIS for an AWA exhibitor's license.
2. On March 13, 2013, APHIS denied petitioner's license application.
3. On April 8, 2013, petitioner filed a request for a hearing as to the denial of her September 13, 2012, application. Petitioner has elected to withdraw her request for hearing in this

matter.

Conclusions of Law

1. The denial by respondent APHIS of petitioner's September 13, 2012, application for an Animal Welfare Act license is upheld.
2. The parties having agreed to the entry of this decision, such decision will be entered.

Order

1. APHIS's denial of petitioner's September 13, 2012, license application is AFFIRMED. Petitioner may again apply for a license one month from the effective date of this consent decision and order.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.


Rachel Kafka
Petitioner


Colleen A. Carroll
Attorney for Respondent

Done at Washington, D.C.,
this 11 day of ~~February~~ March 2014


Jill S. Clifton
Administrative Law Judge